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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/776,309	02/02/2001	Peter S. Tevlin	1662-33400JMH (P00-3376)	9339
22879	7590	01/14/2005	EXAMINER	
HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			JAMAL, ALEXANDER	
			ART UNIT	PAPER NUMBER
			2643	

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/776,309

**Applicant(s)**

TEVLIN, PETER S.

**Examiner**

Alexander Jamal

**Art Unit**

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

*R. B. Barmie*  
REXFORD BARNIE  
PRIMARY EXAMINER

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9-13-2004.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Amendment*

1. Based upon the submitted amendment, the examiner notes that claims 9 and 16 have been amended.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-16** rejected under 35 U.S.C. 103(a) as being unpatentable over Isensee et al. (5815153), and further in view of Arzoumanian (5963637).

As per **claim 1**, Isensee discloses a telephone dialing system comprising a computer system (Col 3 line 25 to Col 4 line 25) with an input and display that allow the user to select a sequence of numbers displayed on the device (Col 9 lines 5-34, Col 11 lines 30-40). The system further comprises a speaker 28 (Fig. 1). However, Isensee does not disclose that the speaker generates DTMF tones and that the user places the speaker near a DTMF receiver to make a telephone call.

Arzoumanian teaches a computer system (ABSTRACT) that dials a telephone number by placing a DTMF generating speaker near another telephone handset (a DTMF

Art Unit: 2643

receiver) in order to make a telephone call (Col 1 line 65 to Col 2 line 35). He teaches that the acoustic dialer may reduce the complexity of manually dialing a number from a public or hotel phone (Col 1 lines 15-53). It would have been obvious to one of ordinary skill in the art at the time of this application to implement an acoustic dialing method in Isensee's system for the purpose of allowing the device to reduce the complexity of dialing a public phone.

As per **claim 9**, claim rejected as the system of the rejection of claim 1 would perform the method in claim 9. Additionally, once the dialer has acoustically dialed into a public phone system, the caller would conduct the telephone conversation using the audio receiver (public phone).

As per **claim 16**, claim rejected for the same reasons as claims 1 and 9.

As per **claim 2**, Once the dialer system of Isensee in view of Arzoumanian has acoustically dialed into a public phone system, the caller would conduct the telephone conversation using the audio receiver (public phone).

As per **claims 3,4,10,11**, the dialer system would inherently include the hardware (comprising a sound board, encoder/decoder, and amplifier coupled to a speaker) for the purpose of generating the DTMF tones.

As per **claims 5,6,7,12,13,14**, Isensee's dialer comprises the use of a mouse or keyboard to select telephone numbers (Col 12 lines 49-67).

Art Unit: 2643

As per **claims 8,15**, Arzoumanian discloses the feature of the dialer recognizing the telephone number as requiring long distance and inserting the appropriate additional tones and pauses to the dialed number (Col 2 lines 1-35).

### ***Response to Arguments***

4. Applicant's arguments filed 9-13-2004 have been fully considered but they are not persuasive.

As per applicant's argument regarding the motivation of the combination of the Arzoumanin and Isensee references (remarks pages 5,6), Isensee's invention is a graphical user interface implemented in a computer. There is no required shape or form for the computer disclosed by Isensee. The Arzoumanian reference is directed to a dialing interface that may be implemented within a pager (ARZOUMANIAN: Col 4 lines 10-25). Examiner reads Arzoumanian's pager as a computer system and contends that the motivation to combine the references is valid. For example, the computer system of Isensee could be a laptop portable with the ability to provide an intuitive GUI to the user while allowing the user to acoustically couple dial tones into a standard pay-phone.

### **Conclusion:**


**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2643

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Jamal whose telephone number is 703-305-3433. The examiner can normally be reached on M-F 8AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A Kuntz can be reached on 703-305-4708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9315 for After Final communications.

  
REXFORD BARNIE  
PRIMARY EXAMINER

AJ  
December 15, 2004